

JAMS, JELLIES, AND PRESERVES

20522. Adulteration and misbranding of peach jam, adulteration of grape jelly, and misbranding of plum jam. U. S. v. J. F. Garvey Co. and George W. Mechling. Pleas of nolo contendere. Fine of \$100, plus costs, against corporation and fine of \$70 against individual. (F. D. C. No. 35132. Sample Nos. 61142-L to 61144-L, incl.)

INFORMATION FILED: August 19, 1953, District of Nebraska, against the J. F. Garvey Co., a corporation, Lincoln, Nebr., and George W. Mechling, president of the corporation.

ALLEGED SHIPMENT: On or about October 24, 1952, from the State of Nebraska into the State of Kansas.

LABEL, IN PART: "Garvey's Plum Jam [or "Peach Jam" or "Grape Jelly"]."

NATURE OF CHARGE: Peach jam and grape jelly. Adulteration, Section 402 (b) (2), products containing less than 65 percent of soluble solids had been substituted for peach jam and grape jelly.

Peach jam and plum jam. Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents since the labels on the cans containing the articles bore the statement "8 $\frac{1}{4}$ lb. Net Weight" and the cans of the articles contained less than 8 $\frac{1}{4}$ pounds; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for peach jam and plum jam since the soluble solids content of the articles was less than 65 percent, the minimum permitted by the definitions and standards.

DISPOSITION: October 9, 1953. The corporation having entered a plea of nolo contendere with respect to the counts relating to the adulteration of the peach jam and the misbranding of the plum jam and the individual having entered a plea of nolo contendere to the counts relating to the adulteration of the grape jelly and the misbranding of the peach jam, the court fined the corporation \$100, plus costs, and the individual \$70.

20523. Adulteration of guava jelly. U. S. v. 144 Cases * * *. (F. D. C. No. 35321. Sample No. 72345-L.)

LIBEL FILED: June 19, 1953, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about December 4, 1946, from New York, N. Y.

PRODUCT: 144 cases, each containing 48 15-ounce cans, of guava jelly at Buchanan, W. Va. Examination showed that the article had undergone chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 22, 1953. Default decree of condemnation and destruction.

20524. Misbranding of peach preserves. U. S. v. 12 Cases * * *. (F. D. C. No. 34955. Sample No. 59627-L.)

LIBEL FILED: May 13, 1953, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 12, 1952, by Groveland Products Co., Inc., from Miami, Fla.

PRODUCT: 12 cases, each containing 24 1-pound jars, of peach preserves at Eastman, Ga.